

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:14-00049

DARRELL SHAWTON COLLINS

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On September 12, 2022, the United States of America appeared by Kathleen E. Robeson, Assistant United States Attorney, and the defendant, Darrell Shawton Collins, appeared in person and by his counsel, John J. Balenovich, for a hearing on the Petition and Amendment to Petition seeking revocation of supervised release, submitted by Senior United States Probation Officer Justin L. Gibson. The defendant commenced a thirty-six (36) month term of supervised release in this action on January 14, 2022, as more fully set forth in the Judgment in a Criminal Case entered by the court on September 17, 2014.

The court heard the admissions and objections of the defendant, and the representations and arguments of counsel.

The government informed the court that it would not pursue Violation Number 1 as set forth in the Petition and Amendment to Petition. Therefore, the court makes no ruling on Violation Number 1.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found by a preponderance of the evidence that the defendant has violated the conditions of supervised release by committing violations in the following respects: (1) on March 24, 2022, the defendant, while at Dismas Charities, was found using and possessing synthetic marijuana commonly known as K2, and on March 29, 2022, the defendant signed a voluntary admission form acknowledging his use of K2; (2) on March 25, 2022, the defendant left his employment and remained unemployed as of June 7, 2022, without being excused from maintaining employment by his probation officer; (3) the defendant failed to notify the Probation Officer at least ten days prior to any change in his residence either when he moved to a St. Albans address or when he moved from the St. Albans, residence to a Culloden, West Virginia, residence; (4) the defendant excessively used alcohol, and on April 19, 2022, he entered the detoxification program at Highland Hospital due to consuming excessive amounts of alcohol;

(5) on April 21, 2022, the defendant was instructed by the Probation Officer to enter and complete residential substance abuse treatment programming through Recovery U in Saint Albans, West Virginia, and on May 21, 2022, the defendant was terminated from the program for failure to abide by the rules and regulations of the program; and (6) on January 14, 2022, the defendant entered Dismas Charities to complete a 180-day treatment program, and while in the program the defendant received 10 written warnings, 19 disciplinary reports, and was found possessing and using synthetic marijuana, and as a result, he was deemed a program failure and terminated from the program on March 24, 2022; all as admitted by the defendant, and as set forth in the petition on supervised release, and by the court's findings on the record of the hearing.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

And the court having complied with the requirements of Rule 32.1(b)(2) and (c)(1) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of SIX (6) MONTHS, to be followed by THIRTY (30) MONTHS of supervised release, upon the same terms and conditions as heretofore excluding the modified condition that the defendant reside at Dismas Charities; and with the following added conditions.

1. The defendant, Darrell Shawton Collins, shall participate in a mental health assessment. If deemed appropriate, following the results of the assessment, the defendant shall participate in mental health treatment and counseling, as directed by the probation officer, until such time as the defendant is released from the program by the mental health professional.
2. Upon release from imprisonment, the defendant shall participate and successfully complete the 6-to-12-

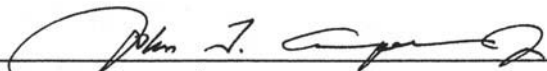
month PAAC Infinite Pathways Residential Treatment Program in Charleston, West Virginia. The defendant shall observe all the rules and regulations of the facility.

The court notes that the defendant has indicated that he has an infected hernia, and the court recommends that the defendant be housed in a location where his medical conditions can be properly treated.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: September 20, 2022



John T. Copenhaver, Jr.
Senior United States District Judge